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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/632,483 | 08/01/2003 | Timothy F. Settle | 39932/285866 | 3008 |

7590 09/21/2006
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EXAMINER

NGUYEN, TU X

ART UNIT PAPER NUMBER

2618

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/632,483

Applicant(s)

SETTLE, TIMOTHY F.

Examiner

Tu X. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 June 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 5-21 is/are allowed.
- 6) ☒ Claim(s) 1 is/are rejected.
- 7) ☒ Claim(s) 2-4 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION***Response to Arguments***

Applicant's arguments filed 6/28/06 have been fully considered but they are not persuasive.

Regarding claim 1, in response to Applicants argument "The Examiner asserts that col. 17, 11. 27-34 of Dieckelman teaches providing information concerning the satellite, channel, bandwidth, and time slice allocations to a plurality of geographically distributed controllers. However, the cited portion merely describes an embodiment of NCF 130 that is shown in Fig. 12, and in particular describes functionality that may be present in processor 1210 of NCF 130. There is no teaching or suggestion that all of satellite, channel, bandwidth, and time slice allocations are provided to a plurality of geographically distributed controllers, as recited in claim 1. Additionally, there is no teaching or suggestion of "using the controllers to adjust the allocated bandwidth, time slice, or both, and Dieckelman fails to disclose file transmission, as the Action acknowledges. The examiner respectfully disagrees, Dieckelman teaches the allocated resources in a satellite communication are diversified among plurality of satellite nodes (fig.1, elements 110, 187, col.5 lines 10-12). The allocated resources satellite controller provide instructions, tables, variables and databases that are manipulated during the operation of satellite diversity (see col.16 lines 1-15) and sharing the load between them (see 1010-1040, fig.10), wherein the allocated resources comprising channel (see col.16 lines 37-38), bandwidth (see col.16 lines 24-25) and time slice (see col.17 lines 35-37), Dieckelman also teaches voice, data transmissions from the satellites 110; however, Lo et al., in the same field

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of endeavor satellite communication, cover Dieckelman's deficiency of "file" transfer (see col.6 lines 50-51).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickelman (US Patent 6,104,911) in view of Lo et al. (US Patent 6,487,183).

Regarding claim 1, Dickelman discloses a method for dynamically allocating network transport resources in a diverse satellite communications network including a plurality of satellites and a plurality of uplink stations, the method comprising:

allocating a satellite from the plurality of satellites for a file transmission (see col.7 lines 7-11);

allocating a channel of the satellite, a bandwidth, and a time slice for transmission (see col.15 lines 2-21 and col.16 lines 24-44);

providing information (see col.17 lines 27-34) concerning the satellite, channel, bandwidth, and time slice allocations to a plurality of geographically distributed controllers, each of which are coupled to one of the plurality of uplink stations.

Dickelman fails to disclose file transmission and to adjust the allocated bandwidth, time slice, or both in order to optimize file transmission over the network.

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Lo et al. disclose file transmission and to adjust the allocated bandwidth (see col.6 lines 47-48, col.7 lines 3-14). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Dickleman with the above teaching of Lo et al. in order to provide high resource efficiency as suggested by Lo et al. (see col.3 lines 30-31).

Allowable Subject Matter

Claims 10-21 are allowed.

Claims 2-3, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding dependent claim 2, the prior arts fail to teach "contacting recipients of the file transmission in order to confirm receipt thereof", as cited in the claim.

Regarding independent claim 5, the prior arts fail to teach "determining which of the plurality of satellites serves clients on the client list", as cited in the claim.

Regarding independent claim 10, the prior arts fail to teach "for each request, identifying the client pools to which the clients on the client list belong", as cited in the claim.

Regarding independent claim 17, the prior arts fail to teach "the at least two local arbitration servers, each communicating with a satellite of the plurality of satellites and adapted to: dynamically evaluate each request for transmission to determine whether to overlay upon the allocations by the master arbitration server an adjusted allocation changing the time slice, the transfer rate, or both associated with each request", as cited in the claim.

Conclusion

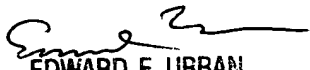
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is 571-272-7883.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban, can be reached at (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



September 11, 2006



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